

## **APPENDIX D**

AO 440 (Rev. 10/93) Summons in a Civil Action

# United States District Court

CENTRAL DISTRICT DISTRICT OF CALIFORNIA

COMPUTER MOTION, INC., a Delaware  
corporation

Plaintiff.

V.

INTUITIVE SURGICAL, INC., a Delaware  
corporation,

Defendant.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: C100-4988 CBM (RL)

Y

TO: (name and address of defendant)

CSC LAWYERS INCORPORATED SERVICE  
2730 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Edward F. O'Connor, Esq.  
Jan P. Weir, Esq.  
STRADLING YOCUM CARLSON & RAUCH  
660 Newport Center Drive, Suite 1600  
Newport Beach, CA 92660

an answer to the complaint which is herewith served upon you, within 20 days after  
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken  
against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a  
reasonable period of time after service.

Y

SHERRI R. CARTER

MAY 10 2000

CLERK

DATE

Robert Monaghan

(BY) DEPUTY CLERK

40-000

CONFORMED COPY

EDWARD F. O'CONNOR, ESQ. (S.B. 123,398)  
JAN P. WEIR, ESQ. (S.B. 106,652)  
STRADLING YOCCA CARLSON & BAUTZ  
A Professional Corporation  
660 Newport Center Drive, Suite 1600  
Newport Beach, CA 92660-6422  
Telephone: (949) 725-4000  
Fax: (949) 725-4100

Attorneys For Plaintiff  
COMPUTER MOTION, INC.

FILED

MAY 10

CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SAN

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

COMPUTER MOTION, INC., a  
Delaware corporation,

Plaintiff.

vs.

INTUITIVE SURGICAL, INC., a  
Delaware corporation.

Defendant.

CASE NO.

CV 00-498 CBM (RC)

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff, Computer Motion, Inc., alleges as follows  
against Defendant, Intuitive Surgical, Inc.:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising  
under 35 U.S.C. Sections 271 and 281. This Court has original  
and exclusive jurisdiction over this patent infringement action  
pursuant to 28 U.S.C. Sections 1331 and 1338(a).

2. This Court has personal jurisdiction over the  
Defendant pursuant to Cal.Code.Civ.Proc. section 410.10. On

1 information and belief Defendant, Intuitive Surgical, has  
2 continuous and substantial contacts with the State of California  
3 and has committed acts of patent infringement alleged in this  
4 complaint in this Judicial District.

5 3. Venue is proper in this district pursuant to 28 U.S.C.  
6 Sections 1391(b), (c), and 1400(b).

7 **PARTIES**

8 4. Plaintiff, Computer Motion, is and was at all times  
9 herein mentioned, a Delaware corporation duly organized and  
10 existing under the laws of the State of Delaware with its  
11 principal place of business at 130-B Cremona Drive, Goleta,  
12 California 93117, within this Judicial District and is the owner  
13 of all rights, title and interest by virtue of an assignment of  
14 the following United States Patents (referred to collectively as  
15 "subject patents") which are directed to a computer assisted  
16 robotic surgical system for use in minimally invasive surgery:

17 a. United States Patent No. 5,524,180 entitled  
18 "AUTOMATED ENDOSCOPE SYSTEM FOR OPTIMAL POSITIONING" issued  
19 on June 4, 1996. (Attached as Exhibit 1 hereto.)

20 b. United States Patent No. 5,878,193 entitled  
21 "AUTOMATED ENDOSCOPE SYSTEM FOR OPTIMAL POSITIONING" issued  
22 on March 2, 1999. (Attached as Exhibit 2 hereto.)

23 c. United States Patent No. 5,762,458 entitled  
24 "METHOD AND APPARATUS FOR PERFORMING MINIMALLY INVASIVE  
25 CARDIAC PROCEDURES" issued on June 9, 1998. (Attached as  
26 Exhibit 3 hereto.)

27 d. United States Patent No. 6,001,108 entitled  
28 "METHOD AND APPARATUS FOR PERFORMING MINIMALLY INVASIVE

CARDIAC PROCEDURES" issued on December 14, 1999. (Attached as Exhibit 4 hereto.)

e. United States Patent No. 5,815,640 entitled "AUTOMATED ENDOSCOPE SYSTEM FOR OPTIMAL POSITIONING" issued on September 29, 1998. (Attached as Exhibit 5 hereto.)

f. United States Patent No. 5,907,664 entitled "AUTOMATED ENDOSCOPE SYSTEM FOR OPTIMAL POSITIONING" issued on May 25, 1999. (Attached as Exhibit 6 hereto.)

g. United States Patent No. 5,855,583 entitled "METHOD AND APPARATUS FOR PERFORMING MINIMALLY INVASIVE CARDIAC PROCEDURES" issued on January 5, 1999. (Attached as Exhibit 7 hereto.)

5. On information and belief, Intuitive Surgical is a Delaware corporation duly organized and existing under the laws of the State of Delaware, having a place of business at 1340 W. Middlefield Rd., Mountain View, California 94043. Intuitive Surgical is qualified to do business in the State of California, and presently does business in the State of California and does business within this Judicial District.

COUNT 1-PATENT INFRINGEMENT

6. Intuitive Surgical has made, used, offered for sale, sold and continues to make, use and offer for sale, a computer assisted robotic surgical system under the trade name "da Vinci" that infringes one or more of the claims of the subject patents.

7. Intuitive Surgical has and continues to actively induce infringement of the subject patents.

8. Intuitive Surgical offers to sell and/or sells components constituting a material part of the invention claimed

TR-COOLEY GORDON LLP N Page 006

1 WHEREFORE, Plaintiff, Computer Motion prays for the  
2 following relief:

3 A. A preliminary and final injunction against continued  
4 infringement of the subject patents, an award of damages,  
5 enhancement of damages and an assessment of interest, costs and  
6 Computer Motion's attorneys' fees and for all other relief to  
7 which Computer Motion is entitled; and

8 B. That Intuitive Surgical be directed to file with this  
9 Court and serve on Computer Motion within thirty days after the  
10 service of an injunction, a report in writing and under oath  
11 setting forth in detail the manner and form in which Intuitive  
12 Surgical has complied with the injunction.

13

Respectively submitted,

14

STRADLING YOECA CARLSON & RAUTH

15

Dated: 5/10, 2000

16

By   
Edward P. O'Connor  
Jan P. Weir

17

Attorneys for Plaintiff  
COMPUTER MOTION, INC.

18

19

20

21

22

23

24

25

26

27

28

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 Fed.R.Civ.Proc., Plaintiff Computer  
Motion, hereby demands a trial by jury.

Respectively submitted.

STRADLING YOECA CARLSON & RAUTH

Dated: 5/9, 2000

By [Signature]  
Edward F. O'Connor  
Jan E. Weir

Attorneys for Plaintiff  
COMPUTER MOTION, INC.



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**